

REVISED

Formal Meeting Agenda



Tempe City Council December 16, 2004

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Vice Mayor Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – October 21 & 28, November 4 & 18, 2004
 2. City Council Team Summit – August 27-28, 2004 [20041216clrkck01.pdf](#)
 3. Central City Development Committee of the Whole – October 22, November 4 & 18, 2004 [20041216CCD01.pdf](#) [20041216CCD02.pdf](#) [20041216CCD03.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 4. Board of Adjustment – October 27, 2004 [20041216boa01.pdf](#)
 5. Building Code Advisory Board – May 24, July 6, August 24 & September 28, 2004 [20041216bcab01.pdf](#) [20041216bcab02.pdf](#) [20041216bcab03.pdf](#) [20041216bcab04.pdf](#)
 6. Committee for Youth, Families and Community – October 18, 2004 [20041216yfc01.pdf](#)
 7. Community Special Events Task Force – November 9 & 23, 2004 [20041216setf01.pdf](#) [20041216setf02.pdf](#)
 8. Design Review Board – November 17, 2004 [20041216drb01.pdf](#)
 9. Enhanced Services Commission – October 20, 2004 [20041216esc01.pdf](#)
 10. Hearing Officer – November 16, 2004 [20041216ho01.pdf](#)
 11. Judicial Advisory Board – November 15, 2004 [20041216jab01.pdf](#)
 12. Library Advisory Board – September 13, 2004 [20041216lab01.pdf](#)
 13. Mayor's Youth Advisory Commission – November 2 & 16, 2004 [20041216myac01.pdf](#) [20041216myac02.pdf](#)
 14. Rio Salado Advisory Commission – October 26, 2004 [20041216rsac01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Board and Commission Reappointments [20041216boards.pdf](#)
- APS Work on Hayden Butte

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

15. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of November 14, 21 & 28, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

16. Request approval of a second addendum to the Block 12 Development and Disposition Agreement.

COMMENTS: Amending the Schedule of Performance.

DOCUMENT NAME: [20041216dsdnc01.pdf](#) COMM DEV/REDEVELOPMENT ADM (0403-01)

17. Request approval of an Intergovernmental Agreement between the Tempe Elementary School District No. 3 and the City of Tempe for the construction and operation of the North Tempe Multigenerational Center.

DOCUMENT NAME: [20041216csjt01.pdf](#) TEMPE ELEMENTARY SCHOOL DISTRICT #3 (0109-11)

18. DELETED

19. DELETED

20. Request approval to utilize a one-year State of Arizona contract (#AD040004-002-A1) with Courtesy Chevrolet for 14 Police, Fire, Public Works and Water Department operational vehicles.

COMMENTS: Total cost of this contract shall not exceed \$261,434 during the initial contract period.

DOCUMENT NAME: [20041216fsdl03.pdf](#) **PURCHASES (1004-01)**

21. Request approval to utilize a one-year State of Arizona contract (#AD040003-001-A1) with Midway Chevrolet for 15 Police Department patrol vehicles.

COMMENTS: Total cost of this contract shall not exceed \$384,741 during the initial contract period.

DOCUMENT NAME: [20041216fsdl07.pdf](#) **PURCHASES (1004-01)**

22. Request approval for an Amended Final Subdivision Plat by Wells Fargo at 1305 West 23rd Street.

COMMENTS: (Wells Fargo Corporate Properties, property owner) #SBD-2004.92 Amended Final Subdivision Plat consisting of seven (7) lots on 23.40 net acres.

DOCUMENT NAME: [20041216dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *23. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Flavors Express Inc., dba Plaid Eatery, 1044 S. Terrace Road.

COMMENTS: Sukhjit Sandhu, Agent

DOCUMENT NAME: [20041216LIQ1.pdf](#) **LIQ LIC (0210-02)**

24. This is a request to **continue** a public hearing to the **January 6, 2005** Council meeting for a Series 7 Beer and Wine Bar Liquor License for T & C Restaurant Enterprises Inc., dba Brewskis Bar and Grill, 5235 S. Kyrene Road, #104.

COMMENTS: Thomas Ryan, Agent

DOCUMENT NAME: [20041216LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *25. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Elliot Tempe CVC, LLC, dba CVS Pharmacy #5950, 855 E. Elliot Road.

COMMENTS: Jason Morris, Agent

DOCUMENT NAME: [20041216LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *26. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor

License for Shin Chon Story, 1731 E. Broadway Road.

COMMENTS: Sung Hun Paek, Agent

DOCUMENT NAME: [20041216LIQ4.pdf](#) LIQ LIC (0210-02)

- *27. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Cafe Boa, Inc., dba Cafe Boa, 398 S. Mill Avenue, #101.

COMMENTS: Jason Wisniewski, Agent

DOCUMENT NAME: [20041216LIQ5.pdf](#) LIQ LIC (0210-02)

- *28. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Outback Phoenix I Limited Partnership, dba Outback Steakhouse #0310, 1734 E. Southern Avenue, #903.

COMMENTS: Randy Nations, Agent

DOCUMENT NAME: [20041216LIQ6.pdf](#) LIQ LIC (0210-02)

- *29. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Store Liquor License for Circle K Stores, Inc., dba Circle K #6663, 6349 S. McClintock Drive.

COMMENTS: Randy Nations, Agent

DOCUMENT NAME: [20041216LIQ7.pdf](#) LIQ LIC (0210-02)

- *29a. This is a public hearing to recommend the **denial** of an After-Hours Permit Application for McDuffy's Sports Bar, Inc., dba McDuffy's, 230 W. 5th Street.

COMMENTS: Roger Egan, Agent

DOCUMENT NAME: [20041216STAX01.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

30. Request to award a one-year, sole source contract to L.N. Curtis for a hydraulic rescue system and a rescue bag system.

COMMENTS: Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$49,728 during the contract period.

DOCUMENT NAME: [20041216fsdl01.pdf](#) PURCHASES (1004-01) Contract #05-085

31. Request to award a one-year, sole source contract to Taser International for weapons and related cartridges.

COMMENTS: Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$200,000 during the contract period.

DOCUMENT NAME: [20041216fsdl02.pdf](#) PURCHASES (1004-01) Contract #05-087

32. Request to award a one-year contract with two (2) one-year renewal options to Morton Salt for white crystal coarse solar salt.

COMMENTS: For new water disinfection system. Subject to execution of the final written contract. Total cost for this contract shall not exceed \$225,000 during the initial contract period.

DOCUMENT NAME: [20041216fst04.pdf](#) **PURCHASES (1004-01)** IFB#05-042

33. Request to award a one-year contract with four (4) one-year renewal options to The Segal Company for an Employee Benefits Consultant.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$107,000 during the initial contract period.

DOCUMENT NAME: [20041216fsdl05.pdf](#) **PURCHASES (1004-01)** Contract #05-053

34. Request to award a one-year contract with two (2) one-year renewal options to Seagrave, LLC, for a Fire Department pumper truck.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$615,000 during the initial contract period.

DOCUMENT NAME: [20041216fsdl06.pdf](#) **PURCHASES (1004-01)**
Contract #05-029

35. Request to award a Construction Manager at Risk Design Phase Services contract to D. L. Withers Construction, LLC, for the Apache Boulevard Police Substation and Property Storage Facility.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$128,184.

DOCUMENT NAME: [20041216PWDR02.pdf](#) **CITY FACILITIES (1001)**
PROJECT NO. 5500961

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *36. This is the **introduction and first public hearing** for an ordinance granting an easement to Salt River Project (SRP) for electrical power and appurtenances for Tempe Skate Park, 8403 S. Hardy Drive. **The second public hearing is set for January 6, 2005.**

DOCUMENT NAME: [20041216PWMG01.pdf](#) **GRANT OF EASEMENTS (0904-02)** ORDINANCE NO. 2004.53

- q-j *37. This is the **introduction and first public hearing** for a General Plan 2030 Projected

Land Use Map amendment, a zoning change and a General and Final Plan of Development for Warner Village, located at 1342 West Warner Road. **The second public hearing is set for January 6, 2005.**

COMMENTS: (Warner and Priest Equity Investors LLC, property owner), for the following:

#GEP-2004.05 Resolution 2004.88 for a General Plan 2030 Projected Land Use Map amendment from Industrial to Commercial land use designation for 10.81 net acres on Lot 1 of Warner Crossing;

#ZON-2004.11 Ordinance No. 808.2004.12 for a zoning change from I-1, Light Industrial and I-2, General Industrial to PCC-1, Planned Commercial Center on 10.81 net acres;

#SGF-2004.63 for a General and Final Plan of Development for Warner Village consisting of 171,000 s.f. on 10.81 net acres. Phase I consists of 16,000 s.f. of general office, 16,000 s.f. of medical office, 12,200 s.f. of retail, 6,000 s.f. of bank, 12,800 s.f. of restaurant for a total of 63,000 s.f. on 6.81 net acres, Phase II consists of a 108,000 s.f. 152 room hotel with ancillary office and restaurant uses on 4.0 net acres including the following:

Use Permits:

1. Use permit for a shared parking model for the project;
2. Use Permit for an outdoor dining patio(s) for Retail Pad 1;
3. Use Permit for an outdoor dining patio(s) for Retail Shops A;
4. Use Permit for an outdoor dining patio(s) for Retail Shops B.

Variances:

1. Reduce the required street side yard building setback along Priest Drive from 50 feet to 30 feet for retail pad #1.
2. Reduce the required side yard building setback along the east property line from 40 feet to 30 feet.
3. Reduce the required rear yard building setback along the north property line from 40 feet to 20 feet.
4. Reduce the required Southwest Overlay District street side yard landscape setback along Priest Drive from 25 feet to 20 feet.
5. Reduce the required Southwest Overlay District front yard landscape setback along Warner Road from 25 feet to 20 feet.

DOCUMENT NAME: [20041216dsdk02.pdf](#) **LAND USE GENERAL PLAN (0401-01)**

q-j ³⁸. This is the **introduction and first public hearing** for an Amended General Plan of Development for University & McClintock Crossing Commercial Center and Final Plan of Development for Auto Werks, including a use permit and variance, located at 1775 East University Drive. **The second public hearing is set for January 6, 2005.**

COMMENTS: (The Focus Group, LLC, David Church, property owner) **#SGF-2004.83** for An Amended General Plan of Development for University & McClintock Crossing consisting of 33,964 s.f. on 4.86 net acres and an Amended Final Plan of Development for Auto Werks Parcel 4, Phase 4, consisting of 21,598 s.f. on 1.42 net acres, including the following:

Use Permit:

Allow an automotive service use in the PCC-1 Zoning District.

Variance:

Increase the maximum allowable lot coverage for Lot 4 from 25% to 31% in the PCC-1 Zoning District.

DOCUMENT NAME: [20041216dsd2k01.pdf](#) PLANNED DEVELOPMENT (0406)

D. Ordinances and Items for Second Hearing/Final Adoption

- *39. This is the **second public hearing** for an ordinance authorizing the Mayor to execute an Assignment and Assumption Agreement between the City of Tempe, Vaughan Street, LLC, and HOF-Biltmore Rio Salado I, LLC.

DOCUMENT NAME: [20041216casv01.pdf](#) REAL PROPERTY EXCHANGES (0902-2105) ORDINANCE NO. 2004.54

- *40. This is the **second public hearing** for an ordinance authorizing the Mayor to execute a Special Warranty Deed conveying City property to Hayden Ferry Lakeside, LLC.

DOCUMENT NAME: [20041216casv02.pdf](#) RIO SALADO MASTER PLAN (0112-07-03) ORDINANCE NO. 2004.55

E. Resolutions

41. Request approval of a resolution certifying compliance with the Consolidated Plan and supporting administrative commitment for an application for FY 2005/2006 Federal Home Funds by Northwest Tempe Neighborhoods, CDC, Inc. (NewTown).

DOCUMENT NAME: [20041216dslc01.pdf](#) COMMUNITY DEVELOPMENT /REDEVELOPMENT ADMIN (0403-01) RESOLUTION 2004.92

42. Request approval of a resolution authorizing the amendment of an Intergovernmental Agreement between the Arizona Board of Regents (ASU) and the City of Tempe, granting ASU temporary use of the parking lot adjacent to Sun Devil Stadium, as identified in Exhibit B-1.

DOCUMENT NAME: [20041216pwgk.pdf](#) ARIZONA STATE UNIVERSITY (0109-02) RESOLUTION NO. 2004.94

43. Request approval of a resolution authorizing the Mayor to sign a Memorandum of Understanding with Valley Metro Rail (VMR) for implementation of a business signage program for light rail construction.

DOCUMENT NAME: [20041216pwan01.pdf](#) TRANSPORTATION PLANNING (1101-01) RESOLUTION NO. 2004.93

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

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